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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JONES, DAMERON LEVEST

ART UNIT PAPER NUMBER

1618

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/724,027

Applicant(s)

WONG, FRANKLIN C.

Examiner

D. L. Jones

Art Unit

1618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

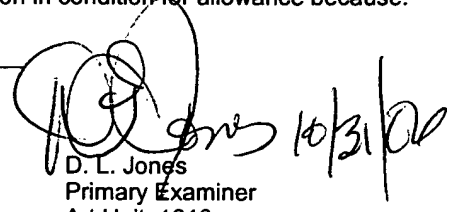
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

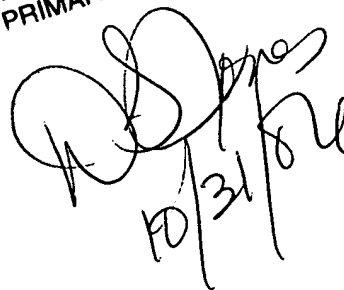
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


D. L. Jones
Primary Examiner
Art Unit: 1618

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not found persuasive for reasons of record in the office action mailed 8/14/06 and those set forth below. In each paragraph referenced for support of the term 'coprecipitate' (see Applicant's response filed 5/8/06), Applicant is referring to a process (reaction) that occurs such that a product (the metal in combination with one or more radioisotopes) is generated) [see specification, paragraphs [0014], [0018], and [0024]]. In Applicant's response filed 10/18/06, it was stated that if the Examiner continues to maintain the position that a precipitate is small particles resulting from a chemical reaction and since the claims contain the term 'coprecipitate', not 'precipitate', a scientific publication demonstration the broad definition of the term as used by the Examiner should be supplied to Applicant. First, as previously stated, Applicant's definition of the term 'coprecipitation' as set forth in paragraphs [0014], [0018], and [0024] in the specification is essentially the same as the term 'precipitate' cited by the Examiner in the office action mailed 8/14/06. The differences between the term 'coprecipitate' and 'precipitate' is that 'coprecipitate' indicates that two or more components (i.e., a metal and one isotope) undergoes a reaction and results in particles comprising both the metal and isotope being generated. The term 'precipitate' may involve a reaction that results in particles containing a single component or multiple components being generated. Applicant may review Garrett (US Patent No. 4,066,742) which is directed to radiopharmaceuticals wherein the labeling with Tc-99m and the reduction of Tc-99m pertechnetate with stannous ions resulted in the formation of a coprecipitate of stannous, stannic sulfide, and Tc-99m sulfide (see entire document, especially, abstract and column 3, lines 1-9). Thus, the use of the term 'coprecipitate' as in the instant invention is viewed as a product by process limitation that does not provide result in a structurally different product from that of the cited prior art. In other words, the radiopharmaceutical of the prior art and instant invention contain the same components (a metal and one or more radioactive isotopes). Thus, the rejection is deemed proper and the status of the claims as indicated in the office action mailed 8/14/06 is deemed proper. Also, it should be noted that the definition of the term 'precipitate' used by the Examiner in the office action mailed 8/14/06 is from Hawley's Twelfth Edition Condensed Chemical Dictionary by Richard L. Lewis, Sr., 1993, page 961, which is included with this action. Hence, the definition applied to the claims does not differ from that commonly used in the art.

Continuation of 13. Other: attachment (Hawley's Twelfth Edition Condensed Chemical Dictionary by Richard L. Lewis, Sr., 1993, page 961).

DAMERON L. JONES
PRIMARY EXAMINER



10/31/06

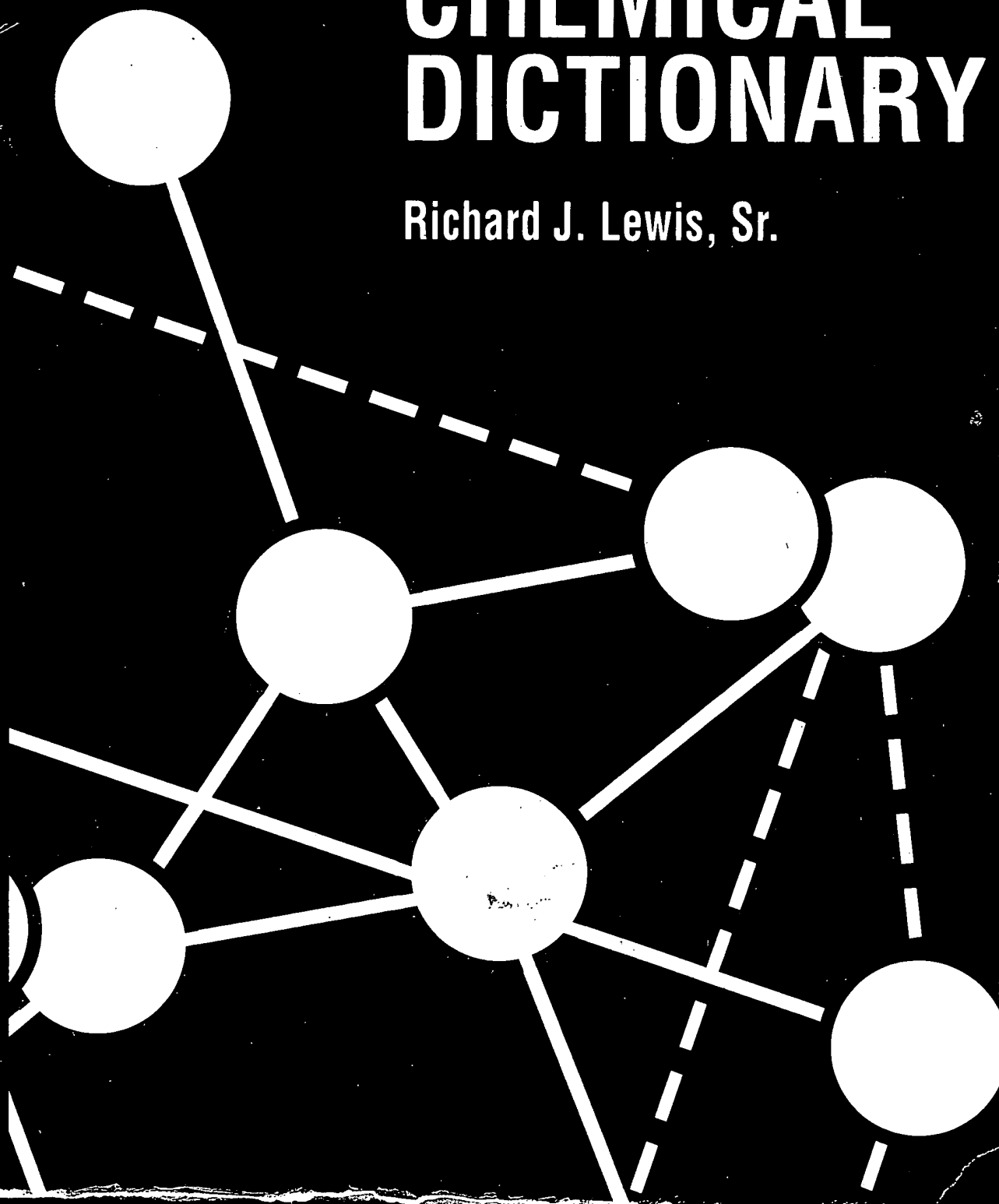


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Twelfth Edition

Hawley's CONDENSED CHEMICAL DICTIONARY

Richard J. Lewis, Sr.



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8-18-97 EXTRA

and pressing (powder metallurgy) as well as for sprayed coatings and paint pigments (aluminum, bronze). Thermoplastic polymers in powder form are used in a technology known as powder molding, and thermosetting polymers are used in the sprayed coatings field for autos, machinery, and other industrial applications, in which they have many advantages over sprayed solvent coatings.

See also metal, powdered; carbon black; black powder.

powder of Algaroth. A mixture of SbOCl and Sb_2O_3 .

Use: To prepare tartar emetic.

powder metallurgy. See metal, powdered; sintering.

ppb. Abbreviation for parts per billion.

ppm. Abbreviation for parts per million.

Pr. (1) Symbol for praseodymium. (2) Informal abbreviation for propyl.

pralidoxime methiodide. See 2-pyridine aldoxime methiodide.

Prandtl number. For any substance, the ratio of the viscosity to the thermal conductivity. The lower the number, the higher is the convection capacity of the substance. This ratio is important in heat and chemical engineering calculations.

praseodymia. See praseodymium oxide; see also rare earths.

praseodymium. Pr. Metallic element of atomic number 59, group IIIB of the periodic table, one of the rare earth elements of the lanthanide group, aw 140.9077, valences = 3, 4. No stable isotopes.

Properties: Yellowish metal, tarnishes easily (color of salts green), d 6.78–6.81, mp 930C, bp 3,200C, ignites to oxide (200–400C), liberates hydrogen from water, soluble in dilute acids, paramagnetic.

Source: Monazite, cerite, and allonite; also a fission product.

Derivation: Reduction of the trifluoride with an alkaline metal or by electrolysis of the fused halides.

Form and grade: Ingots, rods, sheets, 98.8–99.9 + % pure.

Use: Praseodymium salts, ingredient of mischmetal, core material for carbon arcs, colorant in glazes and glasses, catalyst, phosphors, lasers. See also didymium.

praseodymium oxalate. $\text{Pr}_2(\text{C}_2\text{O}_4)_3 \cdot 10\text{H}_2\text{O}$.

Green powder, insoluble in water, slightly soluble in acids.

Use: Ceramics.

praseodymium oxide. (praseodymia). Pr_2O_3 .

Yellow-green powder, d 7.07, insoluble in water, soluble in acids, hygroscopic, absorbs carbon dioxide from air, purities to 99.8% oxide. Combustible.

Use: Glass and ceramic pigment, laboratory reagent.

precipitate. (↓:ppt). Small particles that have settled out of a liquid or gaseous suspension by gravity, or that result from a chemical reaction. Precipitated compounds, such as blanc fixe (barium sulfate), are prepared in this way, for example, by the reaction $\text{BaCl}_2 + \text{Na}_2\text{SO}_4 \rightarrow \text{NaCl} + \text{BaSO}_4$. In formulas, a downward vertical arrow ↓ or ppt is sometimes used to indicate a precipitate. A class of organic pigments called lakes are made by precipitating an organic dye onto an inorganic substrate. Colloidal particles dispersed in a gas, as flue dust in industrial stacks, can be precipitated by introducing an electric charge opposite to that which sustains the particles.

See Cottrell. See also sedimentation.

precipitator, electrostatic. See Cottrell; precipitate.

precision investment casting. See investment casting.

precursor. In biochemistry, an intermediate compound or molecular complex present in a living organism; when activated physiochemically, it is converted to a specific functional substance. The prefix "pro-" is usually used to indicate that the compound in question is a precursor. Examples are ergosterol (pro-vitamin D_2), which is activated by UV radiation to vitamin D; carotene (pro-vitamin A), a precursor of Vitamin A; prothrombin, which forms thrombin upon activation in the bloodclotting mechanism; and phenylacetic acid, a precursor in the biosynthesis of penicillin G.

prednisolone. ($\Delta^1,4$ -pregnadiene-11 β ,17 α ,21-triol-3,20-dione). CAS: 50-24-8. $\text{C}_{21}\text{H}_{28}\text{O}_5$.

Generic name for an analog of hydrocortisone.

Also available in acetate.

Properties: White to practically white, odorless, crystalline powder; very slightly soluble in water; soluble in alcohol, chloroform, acetone, methanol, dioxane; mp 235C with some decomposition.

Grade: USP.

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